



Press Release

National Labor Relations Board

Office of the General Counsel

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Contact:

Office of Public Affairs

202-273-1991

publicinfo@nrlrb.gov

www.nrlrb.gov

Massachusetts Waste-to-Energy Facility Signs Union Contract

Agreement follows NLRB legal efforts to force bargaining

Following long-running efforts by the National Labor Relations Board's Regional Office in Boston to encourage bargaining, operators of a waste-to-energy facility last week signed a labor contract covering about 140 employees that calls for nearly \$1.5 million in back pay and a resumption of annual wage increases and bonuses.

The agreement between Covanta SEMASS, LLC and the Utility Workers Union of America (UWUA), Local 369, followed a [ruling](#) by an NLRB Administrative Law Judge that Covanta had engaged in several unfair labor practices. It also came as the NLRB was seeking a federal injunction to force the employer to engage in bargaining.

"First contracts are often hard to get to, but this case was particularly difficult," said Regional Director Rosemary Pye, whose office planned to withdraw its petition for injunctive relief today. "We're glad the parties were finally able to reach agreement. After two years, this is especially good news for the employees."

The case dates back to May, 2008, when employees at Covanta's West Wareham facility voted to be represented by the UWUA. Covanta began contract negotiations with the union in the summer of 2008. In early 2009, after failing to reach agreement, Covanta unilaterally announced it would cease paying the represented employees annual wage increases and semi-annual bonuses. Among the reasons given: the employees were represented by a union. UWUA filed charges, and a NLRB investigation found Covanta's conduct to be unlawful.

As part of the three-year agreement ratified by employees on Thursday, the employer agrees to retroactively pay semi-annual safety and financial bonuses starting in 2008.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions. The NLRB's Office of the General Counsel has independent prosecutorial discretion under the National Labor Relations Act to issue complaints alleging such unfair labor practices.

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